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Request for the inclusion of a supplementary item in the agenda of the sixty-second session

Urging the Security Council to process Taiwan's membership application pursuant to rules 59 and 60 of the provisional rules of procedure of the Security Council and Article 4 of the Charter of the United Nations

Letter dated 13 August 2007 from the representatives of Belize, Burkina Faso, the Gambia, Honduras, Malawi, the Marshall Islands, Nauru, Palau, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the President of the General Assembly

Upon instruction from our respective Governments, we have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-second session of a supplementary item entitled "Urging the Security Council to process Taiwan's membership application pursuant to rules 59 and 60 of the provisional rules of procedure of the Security Council and Article 4 of the Charter of the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (annex I) and a draft resolution (annex II).

(*Signed*) Mrs. Janine Elizabeth **Coye-Felson**
Chargé d'affaires
Permanent Mission of Belize to the United Nations

(*Signed*) Ambassador Michel **Kafando**
Permanent Representative
Permanent Mission of Burkina Faso to the United Nations

(*Signed*) Ambassador Tamsir **Jallow**
Permanent Representative
Permanent Mission of the Gambia to the United Nations

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(*Signed*) Ambassador Iván **Romero-Martínez**
Permanent Representative
Permanent Mission of Honduras to the United Nations

(*Signed*) Ambassador Steve Dick Tennyson **Matenje**
Permanent Representative
Permanent Mission of the Republic of Malawi to the United Nations

(*Signed*) Ms. Rina **Tareo**
Chargé d'affaires a.i.
Permanent Mission of the Republic of the Marshall Islands
to the United Nations

(*Signed*) Ambassador Marlene **Moses**
Permanent Representative
Permanent Mission of the Republic of Nauru to the United Nations

(*Signed*) Ambassador Stuart **Beck**
Permanent Representative
Permanent Mission of the Republic of Palau to the United Nations

(*Signed*) Mr. Carlisle **Richardson**
Chargé d'affaires a.i.
Permanent Mission of Saint Kitts and Nevis to the United Nations

(*Signed*) Ambassador Margaret Hughes **Ferrari**
Permanent Representative
Permanent Mission of Saint Vincent and the Grenadines
to the United Nations

(*Signed*) Mr. Domingos Augusto **Ferreira**
Chargé d'affaires
Permanent Mission of Sao Tome and Principe to the United Nations

(*Signed*) Ambassador Collin **Beck**
Permanent Representative
Permanent Mission of Solomon Islands to the United Nations

(*Signed*) Chief Senzangakhona Phesheya **Dlamini**
Permanent Representative
Permanent Mission of the Kingdom of Swaziland to the United Nations

(*Signed*) Ambassador Afelee F. **Pita**
Permanent Representative
Permanent Mission of Tuvalu to the United Nations

Annex I

Explanatory memorandum

On 19 July 2007 the Republic of China (Taiwan) submitted an application for membership to the United Nations, by formal instrument pursuant to rule 58 of the provisional rules of procedure of the Security Council. The application reads:

"H.E. Ban Ki-moon
Secretary-General
United Nations

"Your Excellency,

"In accordance with Article 4 of the Charter of the United Nations, and in compliance with rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of Taiwan's 23 million people and in my capacity as President, to request the admission of Taiwan as a member of the United Nations.

"The international community of today chooses to disregard the efforts of Taiwan's 23 million people in their pursuit of dignity and peace. It would rather ask a country that advocates the universal values of freedom, democracy, human rights, and peace to submissively remain silent when its identity is denied and security threatened. Whereas globalization draws nations and peoples around the world closer under shared interests and concerns, the United Nations has long excluded Taiwan from participation, erecting a wall against it and placing it in political apartheid. Such unfair treatment towards Taiwan is incomprehensible and unbearable.

"The people living on the beautiful land of Taiwan desire their nation to become a member of the international community and make greater contributions to world peace and prosperity. I, as President, have been given a mandate by the people of Taiwan, and therefore have the responsibility to see realized their aspirations. Participation in the United Nations is a fundamental right of the people of Taiwan. The absence of Taiwan in the United Nations creates a gap in the global network for cooperation, goes against the ideals and notion of justice upheld by the United Nations, and moreover is ironic in light of the UN's principle of universality.

"As the popularly elected President of Taiwan, it is my duty to express to the world the earnest will of the 23 million people of Taiwan to join the United Nations. I hereby formally submit Taiwan's application for membership and request that it be placed before the Security Council and the General Assembly for consideration.

"For this purpose, the following declaration is made in accordance with rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly:

Declaration

"In connection with the application of Taiwan for membership in the United Nations, I have the honour, on behalf of Taiwan's 23 million people, to

declare that Taiwan accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

"(*Signed*) Chen **Shui-bian**
President
Taiwan"

However, the Secretary-General returned Taiwan's application on 20 July 2007 without immediately placing the application before the representatives on the Security Council, as required by rule 59 of the provisional rules of procedure of the Security Council.

We respectfully stress that the Secretary-General's response goes beyond his prerogatives according to the sections of the Charter of the United Nations and the rules aforementioned. The Secretary-General's unilateral determination that the United Nations considers "Taiwan for all intents and purposes to be an integral part of the People's Republic of China" was a usurpation of the exclusive right and obligation of the Security Council to make such determination pursuant to rule 60 of the provisional rules of procedure of the Security Council, which states:

"The Security Council shall decide whether in its judgment the applicant is a peace-loving State ..."

While we have the utmost regard and highest respect for the Secretary-General, we reiterate that only the Security Council can make this critical determination under the Charter and the provisional rules of procedure, and accordingly on 2 August 2007, we sent a letter requesting an immediate action directly to the President of the Security Council for the month of August 2007. On the same day, we also addressed a letter to Secretary-General Ban Ki-moon, expressing our disagreement about his handling of Taiwan's application for United Nations membership.

For the following reasons, the Governments which we have the honour to represent recognize that Taiwan is a free and peace-loving sovereign State, and its democratically elected Government is the sole legitimate Government that can represent the interests and wishes of the 23 million people of Taiwan in the United Nations.

1. Taiwan is entitled to United Nations membership and a constructive member of the international community

With a population of 23 million, making it the 47th largest population in the world, and a territory consisting of the islands of Taiwan, Penghu, Kinmen and Matsu, Taiwan enjoys an efficient Government and solid institutions that have proven their capacity to conduct friendly and constructive international relations with many States throughout the world. For example, Taiwan maintains full diplomatic ties with 23 Member States and one observer to the United Nations. Moreover, Taiwan has established more than 110 embassies, consulates general, representative offices or offices around the world, fully demonstrating that it is indeed a sovereign country. Furthermore, through its full membership, Taiwan plays an active role in several international organizations, including the World Trade Organization, the Asian Development Bank and the Asia-Pacific Economic Cooperation.

2. Taiwan has never been a local government or province of the People's Republic of China

Ever since the establishment of the People's Republic of China on 1 October 1949, the two sides of the Taiwan Strait have been governed separately, with neither side exercising any control or jurisdiction over the other. The fact that international visitors to Taiwan can only apply for visas at the Taiwanese representative institutions instead of the People's Republic of China diplomatic missions is one obvious example.

3. General Assembly resolution 2758 did not resolve the issue of representation of the 23 million people of Taiwan in the United Nations

From 1949 to 1971, the question of the representation of China in the United Nations had been continuously disputed. The General Assembly of the United Nations adopted resolution 2758 (XXVI) on 25 October 1971, which admitted the People's Republic of China to the United Nations. This resolution, however, did not address the issue of the representation and participation of the 23 million people of Taiwan in the United Nations. Unfortunately, General Assembly resolution 2758 (XXVI) has subsequently been misinterpreted to justify Taiwan's exclusion from the United Nations system. With a view to addressing its distortion, the pivotal statement of the aforesaid resolution reads as follows:

> *Decides* to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

It should be especially noted that General Assembly resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations. The resolution did not in any way determine that Taiwan is a part of the People's Republic of China (China), nor did it confer on the People's Republic of China the right to represent Taiwan or the people of Taiwan in the United Nations and its related organizations. Since Taiwan transformed into a full-fledged modern democracy after a series of political reforms, it no longer intends to compete with the People's Republic of China for the so-called "representation of China". This fact further illustrates that General Assembly resolution 2758 (XXVI) fails to reflect the objective reality across the Taiwan Strait. It also does not reflect the scope of democracy developed by the people of Taiwan. The United Nations should consider the regrettable fact that this resolution does not safeguard the legal rights of the 23 million people of Taiwan to participate in the United Nations and find a solution.

Annex II

Draft resolution

The General Assembly,

Welcoming the membership application by the Taiwan Government, which, on behalf of its 23 million people, has accepted the obligations contained in the Charter of the United Nations and is able and willing to carry out these obligations,

Mindful of rule 59 of the provisional rules of procedure of the Security Council, which requires the Secretary-General to immediately place membership application before the representatives on the Security Council,

Considering with concern that the Secretary-General's unilateral determination that Taiwan is not a "State" was a usurpation of the exclusive right and obligation of the Security Council to make that determination pursuant to rule 60 of the provisional rules of procedure of the Security Council,

Acknowledging that the democratically elected Government in Taiwan is the sole legitimate Government that can represent Taiwan and its 23 million people in the United Nations and other international organizations,

Noting the fact that, since its establishment in 1949, the People's Republic of China has never exercised any control or jurisdiction over Taiwan,

Recalling that General Assembly resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations, did not determine that Taiwan is a part of the People's Republic of China (China), and did not confer on the People's Republic of China the right to represent Taiwan or the people of Taiwan in the United Nations and all related organizations,

Decides to urge the Security Council to process Taiwan's membership application pursuant to rules 59 and 60 of the provisional rules of procedure of the Security Council and Article 4 of the Charter of the United Nations.